☑ 本表附在DV-130表第9項中。

生名:			
			□ 母親 □ 父親
<b>(</b> 1):			
、下 <b>資訊計算子女撫養費。</b> 電腦計算列印件。(如果隨附該	列印件,請勿:	填寫第4至7月	頂,跳至第❸項。)
\$			
			於
>涉及的子女數目:		%的	時間與父親在一起。
困難的處境:  寸另一些未成年子女的撫養費 可尋常的醫療開支  て損失 也 (請說明):	\$	\$ \$ \$	
<b>準計算</b> (不包括附加撫養費)	為 \$		
<b>非指南性命令</b> ,而不是第 <b>3</b> 項。 規定的子女撫養費指南要求。	中的按指南村	票準計算。2	本命令不符合「家庭法典」第
結果:			
	下資訊計算子女撫養費。 電腦計算列印件。(如果隨附該 效入 淨收入 \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$	下資訊計算子女撫養費。 電腦計算列印件。(如果隨附該列印件,請勿定  文入 淨收入 有能力期  多	正答訊計算子女撫養費。 電腦計算列印件。(如果隨附該列印件,請勿填寫第查至⑦)  如人 淨收入 有能力賺取的收入

本表是法院命令。

案例號碼: 請勿提交法院

	法	院命令:			
11		低收入調整 基於法律和本案的事實: a. □無低收入調整。 b. □有低收入調整: \$	,原因是	(請説明):	
12		發出每月\$的非指於符合「家庭法典」第4055條規定的隨附 <b>FL-342(A)表</b> (非指南性子女	的子女撫養費指	南要求。	<b>南標準計算的數額。本命令</b> 不
13		基本子女撫養費 □ 對於以下所列所有子女的總計 a. □ 母親 □ 父親 將支付下列 子女姓名 □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □ □	子女的子女撫養		 收款人: 
		b. 必須將撫養費支付給: □ 母親 □ 最遲為每個月的第一日 □ 每個月第一日支付50%,每 □ 根據「收入分配命令」(預	每個月第15日支付	付50%	理機構
14		附加子女撫養費(包括在以上第18 (請註明具體數額。如果沒有具體數額, a. 費用 □ 子女看護費用 □ 子女看護費用 □ 子女的教育/其他特殊需求 □ 探望所需的旅行費用 □ 其他費用 (請說明): □ 上述撫養費必須支付給: □ 母 □ 最遲為每個月的第一日 □ 每個月第一日支付50%,每 □ 根據「收入分配命令」(預 □ 其他 (請說明):	請填寫百分比。) 母親 \$ 養護理費用 \$ 養費用 \$ \$ 對親 □ 父親 □	□ 50% \$ □ 50% \$ □ 50% \$ □ 50% \$ □ 50% \$ □ b方子女撫養費	支付: 其他安排: _
		□ 所有向地方子女撫養費管理機	構(LCSA)支	付的款項必須郵割	予至:
			1 -1 - 1 -1 -1		

請勿提交法院

案例號碼:

# 通知:

如果您遲付子女撫養費,您必須按照「法定」利率支付過期未付款項的利息,「法定」利率目前 為每年10%。

本撫養費命令的有效期終止於:

- 發佈另一份法院命令,或
- 子女結婚、去世、年滿19歲或脱離父母獨立生活,或

	子女年滿18歲,並且不是全日制高中學生
15	醫療護理費用 a. □ 母親 □ 父親 將提供和保持第13a項中的子女的醫療保險,前提是可透過工作或團體計劃免費或支付合理的費用獲得該醫療保險,包括透過個體勞動者團體計劃獲得的醫療保險。父母雙方須合作,填寫第5頁中説明的醫療護理申請表(有關醫療護理費用與補償程序的權利與責任通知)。父母雙方可和平地以書面形式互相聯絡,以便填寫保險申請表。 b. □ 以下人士目前無合理價格的醫療保險: □ 母親 □ 父親 c. □ 有醫療保險的父母一方將補償權給予另一方。
16	收入分配命令(預扣收入命令) a. □ 將有一份FL-195表(從收入中預扣子女撫養費的命令或通知)。 註釋: 支付子女撫養費的父母一方必須向另一方支付撫養費,直至撫養費付款從支付撫養費 一方的薪資中扣除,並支付收入分配命令未要求支付的任何撫養費。 b. □ 如果支付子女撫養費的父母一方的付款遲於—————天,將執行收入分配命令。 c. □ 將有一份合格子女醫療撫養費命令,收款人為 □ 母親 □ 父親。
17	<b>尋找就業機會命令</b> □ 母親 □ 父親 被命令尋找就業機會 □ 如附件中所述 □ 依照以下方法:
18	其他命令

本表是法院命令。

19 隨附要求的附件,此等附件構成本命令的一部份:

☑ 有關醫療護理費用與補償程序的權利與責任通知(第5頁和第6頁)

☑ 更改子女撫養費命令須知(第7頁和第8頁)

20 子女撫養費註冊

父母雙方必須填寫**FL-191表**(子女撫養費案例註冊表),並在本命令發佈後10日內將該表送至法院。如果FL-191表中的任何資訊發生變化,父母雙方必須更新表格,並在10日內將表格送至法院。

If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid for by insurance, the law says:

- 1. Notice. You must give the other parent an itemized statement of the charges that have been billed for any health-care costs that are not paid for by insurance. You must give this statement to the other parent within a reasonable time, but no longer than 30 days after those costs were given to you.
- **2. Proof of full payment.** If you have already paid all of the uninsured costs, you must (1) provide the other parent with proof that you have paid those costs, and (2) ask for reimbursement for the other parent's court-ordered share of those costs.
- **3. Proof of partial payment.** If you have paid only your share of the uninsured costs, you must (1) provide the other parent with proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) provide the other parent with the information necessary for that parent to be able to pay the bill.
- **4. Payment by notified parent.** If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders, or if the court has not specified a period of time, you must make payment either (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by yourself and the other parent, or (4) according to a schedule adopted by the court.
- **5. Disputed charges.** If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to

- reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees against a party who has been unreasonable.
- **6. Court-ordered insurance coverage.** If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.
- **a. Burden to prove.** The burden to prove to the court that the coverage is inadequate to meet the child(ren)'s needs is upon the party claiming that inadequacy.
- b. Cost of additional coverage. If a parent purchases health-care insurance in addition to that being ordered, the purchasing parent must pay for all the costs of the additional coverage. In addition, if the parent uses the alternative coverage, that parent must pay for all costs that exceed what would have been incurred under the coverage provided by court order.
- 7. Preferred health-care providers. If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health-care provider had that provider been used will be the sole responsibility of the party incurring those costs.

如果您收到一份子女撫養費命令,並且該命令包含一條補償部份子女醫療護理費用及醫療保險不支付的費用的條款,法律規定:

- 1. 通知。您必須向父母另一方提供保險公司不支付的任何醫療護理費用的收費帳單細目。您必須在合理的時間內將該細目交給父母另一方,但必須在收到賬單後的30天內送交。
- 2. 全額付款證明。如果您已經支付所有保險公司不支付的費用,您必須(1)向父母另一方提供您已經支付這些費用的證明,並且(2)要求父母另一方根據法院命令向您補償其應當承擔的部份。
- 3. 部份付款證明。如果您僅就保險公司未支付費用支付了您應當承擔的部份,您必須(1)向父母另一方提供您已經支付您應當承擔的部份費用的證明,(2)要求父母另一方直接向醫療護理服務提供者支付其應當承擔的部份費用,並且(3)向父母另一方提供其支付賬單所需的資訊。
- 4. 接獲通知一方父母的付款。如果您收到父母另一方發出的保險公司未支付的醫療護理費用通知,您必須在法院命令的時間內支付您應當承擔的部份費用,或者如果法院未明確規定具體時間,您必須於以下時間付款(1)在收到應付費用通知的30天內,(2)按照醫療護理服務提供者規定的任何付款日程,(3)按照您與父母另一方以書面形式協議的日程,或(4)按照法院規定的日程。
- **5. 有爭議的收費。**如果您對某項收費有爭議,您可以向法院提交一份解決爭議的提議,但您

- 必須在送交提議之前已支付該項收費。如果您提出另一方未向您作出補償或另一方在收到適當通知後未向服務提供者付款,您可以向法院提交一份解決爭議的提議。法院會假定如果已經支付保險公司未支付的費用,這些費用則為合理的費用。法院可能要求不講道理的一方支付律師費。
- **6. 法院命令保險公司提供保賠**。如果父母一方根據法院命令提供醫療護理保險,則必須在該項保險可用於支付醫療護理費用的所有時間內使用該保險。
- **a.證明義務。**如果一方聲稱保險不能滿足子女 需求,該方必須向法院證明這一點。
- b. 附加保賠費用。如果父母一方除法院命令的保險之外另外購買了醫療護理保險,購買該保險的一方必須支付附加保險的費用。此外,如果父母一方使用其他保險,則該方必須基於法院命令的保險之費用支付超額部份。
- 7. 首選醫療護理服務提供者。如果法院命令的保險計劃指定了首選醫療護理服務提供者,必須按照醫療保險保單規定使用該服務提供者。如果任何一方使用首選服務提供者之外的醫療護理服務提供者,則造成此類費用的一方負責支付本應由首選服務提供者支付的醫療護理費用。

## **Information Sheet on Changing a Child Support Order**

#### **General Information**

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (Form FL-350) or *Stipulation and Order* (Governmental) (Form FL-625).

## When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net income of both parents is determined, along with the percentage of time each parent has physical custody of the child(ren). The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when there has been a significant change in one of the parent's net income or a significant change in the parenting schedule or when a new child is born.

## **Examples:**

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10% interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your child(ren) 30% of the time. After several months it turns out that you actually have physical custody of the child(ren) 50% of the time. You may file a motion to modify child support to a lower amount.

# How to Modify an Existing Child Support Order 1. Obtain and fill out the modification forms.

The forms are available from the court clerk, Family Law Facilitator, your local law library, the Judicial Council's Web site (*www.courtinfo.ca.gov*), and various legal publishers. You will need to complete the following forms:

- Order to Show Cause (Form FL-300) or Notice of Motion (Form FL-301) and Application for Order and Supporting Declaration (Form FL-310) or Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support (Form FL-390) or Order to Show Cause (Governmental) (Form FL-683) or Notice of Motion (Governmental) (Form FL-680) or Request for Order and Supporting Declaration (Governmental) (Form FL-684) if your case is open with the local child support agency.
- Income and Expense Declaration (Form FL-150) or Financial Statement (Simplified) (Form FL-155).
- 2. File the forms and obtain a hearing date from the court clerk. Write the hearing date on the modification forms. You will have to pay a filing fee. If you cannot afford a filing fee you can request a waiver of the fee by filing an *Application for Waiver of Court Fees and Costs* (Form 982(a)(17)).
- 3. "Serve" the modification forms on the other parent and, if involved, on the local child support agency.

"Service" means "legally" delivering a copy of the papers. The forms generally must be served no later than 21 calendar days prior to the hearing if serving by personal delivery. The delivery can normally be done by mail but then must be done at least 26 calendar days before the hearing. All service must be done by a person who is at least age 18 **other than you**. This person must serve all papers you completed for the court as well as a blank *Responsive Declaration* (Form FL-320) and blank *Income and Expense Declaration* (Form FL-150) or *Financial Statement (Simplified)* (Form FL-155).

4. File Proof of Service (Form FL-330 or FL-335) with the court clerk to show that the court papers were served on the other parent and, if involved, the local child support agency.

#### 5. Attend the court hearing.

Bring your most recent two years of tax returns and three most recent pay stubs to the court hearing. The judge will review your modification forms and the other parent's response, listen to both of you, and make an order. You should then prepare a *Findings and Order After Hearing* (Form FL-340) with *Child Support Information and Order Attachment* (Form FL-342).

If you are unable to complete these forms by yourself, help is available. Contact the Family Law Facilitator in your county or the Lawyer Referral Service of your local bar association, or consult the Yellow Pages of your telephone book under "Attorneys."

#### 一般資訊

法院剛剛就您的案例發佈一份子女撫養費命令。該命令在當事人請求更改(修改)子女撫養費規定之前一直有效。只有提交更改子女撫養費提議並將提議送達涉案各方後方可修改子女撫養費命令。如果父母雙方及地方子女撫養費管理機構(如果有)同意新的子女撫養費數額,您可以填寫並向法院提交一份「建立或修改子女撫養費規定和命令」(FL-350表)或「(政府)規定與命令」(FI-625表)。

#### 何時可修改子女撫養費命令

在命令子女撫養費付款時,法院會考慮幾種因素。首先會考慮子女人數。其次會確定父母雙方的淨收入,以及每一方實際監護子女的時間百分比。法院會考慮雙方的納稅狀況,可能會考慮困難狀況,例如另一關係的子女。如果父母一方的淨收入發生或父母監護時間發生重大變化或新生兒出生,則可能修改現有子女撫養費命令。

#### 舉例:

- 按照命令您每月支付500美元的子女撫養費。 但您丢掉了工作。除非您提交修改子女撫養 費的提議,要求降低數額,且法院命令降低 子女撫養費數額,您將繼續每月支付500美 元,外加10%遲付利息(如果遲付)。
- 您目前從父母另一方每月收到300美元的子女 撫養費,父母另一方的淨收入剛剛有大幅度 的提升。除非您提交修改子女撫養費的提 議,要求提高數額,且法院命令提高子女撫 養費數額,您將繼續每月收到300美元。
- 您依據花費30%的時間實際監護子女支付子 女撫養費。經過幾個月的時間,您實際監護 子女的時間達到50%,您可以提交一份提 議,將子女撫養費修改為較低的數額。

#### 如何修改現有子女撫養費命令

## 1. 索取並填寫修改表。

可從法院書記員、家庭法協調員、當地法律圖書館、司法委員會的網站(www.courtinfo.ca.gov)以及各種法律出版商處索取表格。您需要填寫以下表格:

- ■「説明原因命令」(FL-300表) 或「提議通知」 (FL-301表) 及「命令申請與撫養聲明 (FL-310 表) 或「提議通知與子女、配偶或家庭撫養 費命令簡化修改提議」(FL-390表) 或「(政府) 提議通知」(FL-683表) 或「命令請求與撫養 聲明」(FL-680表) 或命令請求與支持聲明 (政 府) (FL-684表) (如果您的案例正在地方子女撫 養費管理機構辦理)。
- ■「收入與支出聲明」(FL-150表) **或**「財務聲明(簡表)」(FL-155表)。
- 2. 提交表格,並從法院書記員處獲得一個聽證日期。在修改表中填寫聽證日期。您必須支付申請費。如果您無力支付申請費,您可以提交「法院收費與費用豁免申請」(982(a)(17)表),申請免除該項費用。
- 3. 將修改表「送達」父母另一方及地方子女撫養費管理機構 (如果有)。「送達」指「以法定方式」送交一份文件。如果由專人遞送,則通常必須在聽證之前提前21個日歷日送達。通常可用郵件寄送,但必須在聽證之前提前至少26天郵寄。所有遞送必須由除您之外的年滿18歲的人士完成。該人士必須送達您為法院填寫的所有文件以及一份空白「應答聲明」(FL-320表)和一份空白「收入與開支聲明」(FL-150表)或「財務聲明(簡表)」(FL-155表)。
- 4. 向法院書記員提交送達證明 (FL-330表或 FL-335表),顯示已向父母另一方及地方子女 撫養費管理機構(如果有)送達法院文件。

#### 5. 出席法院聽證。

出席法院聽證時攜帶最近兩年的納税表及三份最新付薪單。法官將審查您的修改表及父母另一方的答覆,聽取雙方的陳述,並發佈命令。然後,您需要填寫「調查結果及聽證後命令」(FL-340表)及「子女撫養費資訊及命令附件」(FL-342表)。

如果您無法親自填寫上述表格,可請求幫助。請與您所在郡的家庭法律協調員或您所在地律師協會的律師推薦服務處聯絡,或查閱電話簿黃頁中的「律師丨一欄。